

HS1.1. CHILD PROTECTION PROCEDURE

INTRODUCTION

Far North REAP is determined, as far as is reasonably possible, protect the well-being and safety of children. We will take active steps to prevent child abuse, and to identify cases of actual or potential child abuse, and to take appropriate action to deal with those situations.

Far North REAP has responsibilities and obligations under the Children's Act 2014 and other legislation. We take these responsibilities and obligations very seriously.

This policy and procedure framework enables Far North REAP and our employees to respond appropriately whenever there are concerns relating to the safety of a child or children.

Each of our employees has a role and a responsibility to protect the children in our care by identifying and responding to possible or actual instances of child abuse.

We are concerned for any child or children whom Far North REAP or our employees encounter or know about. This includes the siblings of children who use our services, and the children of adults who use those services.

PROCEDURE

Far North REAP will take active steps to prevent child abuse and to assist other agencies and authorities to investigate and deal with cases of child abuse. This is additional to our statutory obligations under the Children's Act 2014 and other legislation.

At all times, the interests of a child will be put ahead of any other individual or of Far North REAP itself.

Far North REAP aims to:

- provide a clear policy and procedure framework within which the organisation and our employees are encouraged and supported to be active in the protection of children from any forms of abuse; and
- provide our employees with clear guidance on the steps they should take when they are aware of, or suspect there is, any instance of child abuse; and
- help our employees refer instances or suspicions of child abuse to the appropriate agencies or authorities; and
- help our employees identify and respond to the needs of children whose welfare is our concern; and
- support our employees to protect children by seeking expert advice and assistance where needed and providing appropriate training and information.

To further the aims of this procedure, Far North REAP seeks to develop and maintain sound working relationships with official and other agencies.

This procedure applies to all employees, contracted workers, and volunteers (referred to as staff or employees).

It is intended to provide protection against abuse for any children whom our employees deal with or know about in the course of their work for Far North REAP.

DEFINITIONS

Child – any person aged under 18 years.

Child protection – activities carried out to ensure that children are safe in situations where there is actual or potential child abuse, where child abuse is suspected, or where a child is at risk of abuse.

Child abuse – refers to a situation where a child has been, or is likely to be, harmed, ill-treated, abused, (whether physically, emotionally or sexually), neglected, or deprived.

Designated person for child protection – the person or position in Far North REAP who is responsible for providing advice and support to an employees or other persons who are concerned about a particular child or who wants advice about this procedure.

Disclosure – information about abuse or neglect given to Far North REAP or its representative by a child, or parent, or caregiver, or any other person.

Staff or employees – includes employees, contractors, other workers, and volunteers engaged in the delivery of services or programmes for Far North REAP.

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DESIGNATED PERSONS FOR CHILD PROTECTION

The designated persons for child protection are the Far North REAP Leadership Team.

The contact details are 09 408 1380 followed by relevant extension number and/or individual Leadership Team email addresses.

Requests for information, advice or support on matters relating to child protection will be treated as private communications, and the name of the person who makes the request will not be disclosed except where disclosure is required by law or necessary for appropriate action to be taken.

Confidentiality will not be promised to a person who requests information if that promise would limit the ability of the Leadership Team to take necessary and appropriate action to protect a child.

Information and communications relating to suspected child abuse or other behaviour that causes concern will be recorded and kept in a separate register with access controlled by the Community Support and HR Manager.

The Community Support and HR Manager is responsible for:

- ensuring that this procedure is reviewed every three years or at other times when changes are required by legislation or circumstances
- preparing ANNUAL reports to the Chief Executive on implementation and compliance with the procedure
- identifying any barriers to implementation and compliance and reporting them to the Chief Executive as they arise
- ensuring that this procedure and supporting information are prominently displayed on the organisation's website.

CONFIDENTIALITY AND INFORMATION SHARING

A person who believes that a child has been or is likely to be, harmed, ill-treated, abused, (whether physically, emotionally or sexually), neglected or deprived, or who has concerns about the well-being of a child, may report the matter to the Chief Executives of Ministry of Children Oranga Tamariki or the Police (Children's and Young People's Well-being Act 1989, s 15). No civil, criminal or disciplinary proceedings may be brought against the person who makes the report, provided it is made in good faith.

When gathering, storing, or disclosing personal information about individuals, employees must comply with the Information Privacy Principles set out in the Privacy Act 1993 (See QA3.3. *Privacy & Confidential Information Procedure*).

However, having first sought advice from the Leadership Team, employees may disclose information under the Privacy Act where there is good reason to do so, such as a serious risk to health and safety. Disclosure about child abuse may be made to the Ministry of Children Oranga Tamariki or the Police.

TRAINING, INFORMATION AND SUPPORT

Far North REAP is committed to providing employees with the training and information they need to develop and maintain awareness of how to prevent, recognise and respond to child abuse.

The induction programmes for all employees include this procedure, and how it is to be implemented.

Far North REAP will identify and keep contact with individuals, agencies and organisations in the community which can offer support to Far North REAP and its employees who become involved in cases of child abuse or suspected abuse.

Far North REAP encourages employees to seek and accept support when it is needed.

IDENTIFYING CHILD ABUSE

Every situation is different. All available information about a child and the environment must be considered before any conclusions are drawn.

Whenever an employee is concerned that a child may be suffering abuse of any form in any degree, the employee should talk with a member of the Leadership Team. No employee should act without seeking the advice and support of others.

It does not matter what kind of abuse a child is suffering. Definitions can be difficult and debatable. What is important is the overall well-being of the child. In the same way, it is less important for an employee to be certain about a diagnosis than to identify there is cause for concern.

In all cases, Far North REAP will work with official agencies (including the Ministry for Children Oranga Tamariki, and the Police), and act on their recommendations.

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Far North REAP will only inform families/whānau about suspected or actual abuse after discussions with the appropriate official agencies.

SAFE PRACTICE GUIDELINES

As far as possible, employees should avoid situations where they are alone with a child or children.

Wherever possible, employees should adopt “open door” practices to avoid situations where they are alone with a child or children. Toilets are an exception to this general practice.

Employees should at all times know the whereabouts of children for whom they are responsible.

Except in emergencies, employees should avoid being alone when transporting a child or children.

Except in emergencies, children are not to be taken from the premises of Far North REAP, or from any Far North REAP programme, without the written consent of the responsible parent or caregiver.

Visitors should be monitored at all times by an employee.

Parents or caregivers should be advised in advance of any activities which require employees to have physical contact with a child or children (eg, swimming or gymnastics).

If possible, parents or caregivers or an outside agency should be involved where a child requires assistance (eg, to cope with a physical or intellectual disability). If assistance is not available, employees must be made aware of the appropriate techniques and procedures for giving assistance.

PROCEDURE WHEN DISCLOSURE OF ABUSE

In the event that a child discloses any instance of abuse or neglect to an employee, the employee should follow this process:

1. Get support from a member of the Leadership Team immediately
2. Listen to the child, provide reassurance, and ask open questions (eg, What happened next?)
3. If the child is obviously distressed, provide appropriate reassurance and engage the child in supervised activities until able to participate in ordinary activities.
4. If the child is not in immediate danger, get the child involved in ordinary activities and explain what the employee plans to do next.
5. If the child is in immediate danger, act immediately to secure their safety and contact the Police.
6. Record the disclosure in writing as soon as possible (see *HS1.2. Child Protection Reporting Form*).
 - Make a verbatim record of what the child said, as nearly as possible.
 - Record dates, times, locations and names that might be relevant.
 - Record the factual concerns of observations that have led to the suspicion of abuse or neglect.
 - Record the details of any action taken by the employee(s).
 - Note any other relevant information.
7. Discuss concerns with the Chief Executive or a member of the Leadership Team.
8. Notify the relevant authorities (eg, Ministry for Children Oranga Tamariki or the Police) if there is reason to believe that the child is suffering abuse or neglect, or likely to do so.
9. Get support for the employees if needed, available through the HS2.1. Employee Assistance Procedure.

PROCEDURE WHEN ALLEGATION MADE AGAINST EMPLOYEES

Any complaints or allegations of misconduct against an employee of Far North REAP must be reported to the Chief Executive immediately. In the case of the Chief Executive, any complaints or allegations of misconduct must be reported to the Board Chairperson.

In order to protect the child or children, the employee, and Far North REAP, there can be no exceptions to this rule. The failure to make a complaint or report an allegation immediately will be treated as a very serious matter.

When a complaint or allegation is reported, the Chief Executive may decide that, to protect the child, the employee should be removed from the particular role or the work environment. This is subject to the duty of good faith and any relevant provisions in an employment agreement or other contract.

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Once Far North REAP is satisfied regarding the safety of the child or children concerned, the complaint or allegation will be investigated in accordance with the organisation's *HR2.17. Workplace investigations Procedure*.

In the event that a complaint or allegation is found to be justified and, after proper consideration, it is decided that the employment or engagement of the employee concerned should be terminated, Far North REAP will not enter into a settlement agreement (ie, an agreement to resign provided that no disciplinary action is taken and an agreed reference is provided) because that would be contrary to the culture of child protection that Far North REAP is committed to achieve.

Similarly, Far North REAP will not enter into any agreement that the complaint or allegation, if found justified, is not to be reported to the Police or other relevant authorities.

SAFETY CHECKS FOR CHILDREN'S WORKERS

The Children's Act 2014 contains definitions that are relevant for this part of the procedure. They include:

Children's worker – a person who works in, or provides a regulated service, and the person's work–

(a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers);
and

(b) takes place without a parent or guardian of the child or of each child being present.

Core worker – a children's worker whose work in or providing a regulated service requires or allows that, when the person is present with a child or children in the course of that work, the person–

(a) is the only children's worker present; or

(b) is the children's worker who has primary responsibility for, or authority over, the child or children present.

Non-core worker – a children's worker who is not a core worker.

Regulated service – any of the services listed in Schedule 1 of the Children's Act. This is an extensive list of services in the welfare, support, justice, health, education, transport, policing and local authority sectors.

Safety check – the requirements for safety checks for core workers and non-core workers are set out in section 31 of the Children's Act and in regulations made under section 32 of the Act.

Specified offence – any of the offences against the Crimes Act 1961, the Films, Videos, and Publications Classification Act 1993 and the Customs and Excise Act 2018 and listed in Schedule 2 of the Children's Act.

SAFETY CHECKS FOR NEW WORKERS

Far North REAP must ensure that a safety check is completed satisfactorily before any person is engaged or employed as a children's worker (Children's Act 2014, s 25).

Far North REAP undertakes before engaging or employing both core workers and non-core workers.

Far North REAP also undertakes safety checks of any volunteer or other worker whose role is comparable with that of a paid children's worker.

The safety check of every person who is considered for engagement or employment as a children's worker must:

- confirm the identity of the person
- consider specific information as prescribed by regulations made under the Act
- include an assessment of the risk that the person would pose to the safety of children if engaged or employed as a children's worker.

Safety checks are to be carried out by the Community Support and HR Manager.

As part of the application process, every applicant for a position as a children's worker (whether as employee, contractor, volunteer or otherwise) must agree in writing to the carrying out of a safety check as required by the Children's Act.

Applicants must be advised that the protection against disclosure provided by the Criminal Records (Clean Slate) Act 2004 does not apply to safety checks under the Children's Act.

After a safety check has been completed, the Community Support & HR Manager will recommend to the Chief Executive whether or not Far North REAP should offer a position as a children's worker to the subject of the safety check.

The Chief Executive must approve in advance every proposed offer of engagement or employment as a children's worker.

Far North REAP will ensure that all core workers are subject to a safety check at intervals of not more than three years.

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Core worker exemption

Under the Children's Act, a core worker must obtain a Core Worker Exemption if that person has a conviction for any specified criminal offence listed in Schedule 2 of the Act.

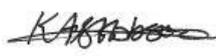
The Community Support and HR Manager is responsible for ensuring that a core worker who is, or may be, engaged or employed by Far North REAP and who needs a Core Worker Exemption under the Act has obtained that exemption.

OTHER RELEVANT PROCEDURES

- HR2.16. Misconduct Procedure
- HR2.17. Workplace Investigation Procedure
- HS1. Child Protection Policy
- HS1.2. Child Protection Reporting Form
- HS2.1. Employee Assistance Procedure
- HS3.1. Health, Safety & Environment Procedure
- HS3.8. Bullying at Work Procedure

RELEVANT LAW

- Children's Act 2014
- Children's and Young People's Well-being Act 1989
- Oranga Tamariki Act 1989
- Family Violence Act 2018
- Employment Relations Act 2000
- Health and Safety at Work Act 2015
- Privacy Act 1993
- Victims' Rights Act 2002

Adopted by Far North REAP Leadership Team & Employees:	Date adopted: 12.02.2021
Chief Executive Signature: 	Review date: 12.02.2024
Responsibility for initiating the review:	Community Support & HR Manager